

Reconcil.  
#8  
T.D.  
10/23/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

**Sam Johnson et al.**

**Application No: 09/547,710**

**Filed: April 11, 2000**

**For: A SYSTEM FOR AND METHOD OF  
IMPLEMENTING A CLOSED LOOP  
RESPONSE ARCHITECTURE  
FOR ELECTRONIC COMMERCE**

www.pearsoned.com

**Group Art Unit: 2143**

**Examiner: Vaughn Jr., William C.**

**Our File No.: 09001.1001**

**PETITION FOR EXTENSION OF TIME UNDER 37 CFR § 1.136(a) AND  
RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 USC § 121**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Sir:**

This paper is in response to the Official Communication from the United States Patent Office mailed on August 12, 2003. In this Official Communication, the Office has imposed a three-way restriction on the claims of the pending application. A shortened statutory period for reply was set at one (1) month from the mailing of the Official Communication and was due on September 12, 2003. This response includes a petition for a one (1) month extension of time to reply, along with the necessary fees. In addition, this response submits a traversal for the restriction requirement along with an election.

**PETITION FOR EXTENSION OF TIME AND RESPONSE TO RESTRICTION REQUIREMENT****PETITION FOR EXTENSION OF TIME**

Applicant petitions the Commissioner of Patents and Trademarks for an extension of time for reply under 37 CFR § 1.136(a) to the Office Action mailed August 12, 2003, with a Shortened Statutory Period of 1 Month, from September 12, 2003 to October 14, 2003. October 14, 2003 is the correct date for this extension due to the fact that October 14, 2003 is the first day that the United States Patent Office was open for official business on or following October 12, 2003. The fee required under 37 CFR § 1.17(a)(3) for \$55.00 for a small entity is included with this petition.

09001.1010

-2-

**PETITION FOR EXTENSION OF TIME AND RESPONSE TO RESTRICTION REQUIREMENT****RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Restriction Requirement under 35 U.S.C. §121 in the Official Communication, Applicant respectfully disagrees with the Office's characterization of the groupings. In particular, the applicant objects to the basis for the division of group II and group III. group II includes claims 42-57 and group III includes claims 58-98.

These claims in groups II and III are clearly directed towards various embodiments of a playback device. More particularly, claim 42 and claim 58 include similar structure but claim 58 includes an additional limitation – an audio interface. Attention is drawn to the fact that claim 54, which directly depends from claim 42, includes the additional element of an audio interface. Thus, for this reason alone the applicant cannot see the Office's justification for the group II and III groupings because clearly it would not require an additional search. The Office argues that the recitation of claims 77, 78 and 79, which respectfully define the mobile-content interface as a flash card interface, wired interface, or USB interface, results in group III having separate utility. Applicant respectfully notes that these claims simply further limit the element of the mobile-content server interface which appears in the claims of both groups. In fact, claims 77, 78 and 79 could easily have been written as multiple-dependent claims depending from claims 42 and 58, however, to simplify prosecution, these claims were only included in a single claim set.

Therefore, applicant respectfully requests the Office to prosecute group II and group III claims. If the Office does not accept these arguments regarding the restriction requirements, then the applicant will elect the Group III claim set.

If the Office believes that there are any issues that can be resolved by a telephone  
09001.1010

**PETITION FOR EXTENSION OF TIME AND RESPONSE TO RESTRICTION REQUIREMENT**

conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call Gregory Smith at (770) 804-9070.

Respectfully submitted,

  
Gregory Scott Smith  
Registration No. 40,819

LAVA Group Law by Smith & Frohwein, LLC  
PO Box 88148  
Atlanta, Georgia 30356  
Telephone: (770) 804-9070  
Facsimile: (770) 804-0900

**RECEIVED  
CENTRAL FAX CENTER**

OCT 15 2003

**OFFICIAL**

09001.1010

-4-